

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2003 - 0066

APPROVAL OF PROPOSED AMENDMENTS TO THE UNDERGROUND STORAGE
TANK (UST) CLEANUP FUND (FUND) REGULATIONS

WHEREAS:

1. The Legislature established the UST Fund pursuant to the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, which is codified in California Health and Safety Code, chapter 6.75 (commencing with section 25299.10), division 20;
2. The State Water Resources Control Board (SWRCB) administers and implements the Fund to provide financial assistance to certain persons for eligible costs related to unauthorized releases of petroleum from underground storage tanks;
3. Health and Safety Code section 25299.77 authorizes the SWRCB to adopt regulations to implement chapter 6.75;
4. Pursuant to Health and Safety Code section 25299.77, the SWRCB initially promulgated emergency regulations to implement chapter 6.75 (Fund regulations). The initial Fund regulations took effect on December 2, 1991. The Fund regulations were subsequently amended on December 27, 1994, August 6, 1996, and November 26, 2000;
5. The SWRCB determined that it was necessary to propose additional amendments to the Fund regulations to implement, interpret, clarify, and make specific certain provisions in chapter 6.75, including certain legislative changes to that law that were made pursuant to chapter 154, statutes of 2001 (Nation) (Assembly Bill 1465);
6. On June 20, 2003, the SWRCB published a notice of proposed rulemaking and circulated for public comment for 45 days, as required by law, the proposed amendments to the Fund regulations;
7. The 45-day public comment period ended on August 4, 2003;
8. During this public comment period, the SWRCB received and considered one written comment. Because the written comment was not specifically directed at the SWRCB's proposed amendments of the Fund regulations, it was dismissed as being irrelevant; and
9. The SWRCB has determined that it is appropriate and desirable to amend the regulations governing the Fund for the reasons identified in the notice of proposed rulemaking and the initial statement of reasons, and that no revisions to the amendments are necessary in light of the public comment received.

THEREFORE, BE IT RESOLVED THAT:

1. The State Water Resources Control Board (SWRCB) approves the proposed amendments to the Underground Storage Tank Cleanup Fund regulations;
2. The proposed amendments will become effective upon approval by the Office of Administrative Law, as provided by the California Administrative Procedure Act; and
3. The SWRCB directs the Executive Director to submit the proposed amendments to the Office of Administrative Law for approval.

CERTIFICATION

The undersigned, Clerk to the Board, certifies that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 15, 2003.

A handwritten signature in dark ink, appearing to read "Debbie Irvin", is written over a horizontal line.

Debbie Irvin
Clerk to the Board